

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff

**WAIVER OF RULE 5 AND 5.1 HEARINGS  
(Excluding Probation Violation Cases)**

v.

Case No. 21-30039  
Originating No. 21-mj-136

MICHAEL JOSEPH FOY,

Defendant.

\_\_\_\_\_/

I, MICHAEL JOSEPH FOY understand that in the Superior Court of the District of Columbia charges are pending alleging a **violation in the United States District Court for the District of Columbia based on a Complaint. Defendant is charged in that district with violation of 18 U.S.C. §1752(a)(1),(2)- Knowingly enter or remain in any restricted building or grounds without lawful authority; 18 U.S.C. §231(a)(3)- Obstruction of law enforcement; 18 U.S.C. §111(a)(1) and (b)- Forcibly assault, resist, oppose, impede, intimidate, or interfere with any officer of the United States; 18 U.S.C. §2- Aiding and abetting; 18 U.S.C. §1512(c)(2)- Obstruct, influence, or impede any official proceeding of Congress** and that I have been arrested in this District and taken before a United States Magistrate Judge who informed me of my right to:

1. Retain counsel or request the assignment of counsel if I am unable to afford one.

2. Request transfer of the proceedings to this district pursuant to Fed. R. 20, in order to plead guilty.
3. Have an identity hearing to determine if I am the person named in the charge.
4. Have a preliminary examination (unless and indictment has been returned or an information filed) to determine whether there is probable cause to believe an offense has been committed by me; the hearing to be held either in this district or the district of prosecution.

I HEREBY WAIVE (GIVE UP) MY RIGHT TO A(N):

☒ identity hearing

☒ preliminary examination

☐ identity hearing and have been informed I have no right to a preliminary hearing

☐ identity hearing but request a preliminary hearing to be held in the district of prosecution

and therefore consent to the issuance of an order requiring my appearance in the prosecuting district where the charges is pending against me.

*W/ PERMISSION  
15*  
\_\_\_\_\_  
Defendant

Date:

*1/21/21*

\_\_\_\_\_  
Counsel for Defendant

Date:

*1/21/21*